

Administration of Justice

Hon. J. J. Greene (Minister of Agriculture): Mr. Speaker, I was interested, first, in respect of the question in which we are now involved and in the approach taken, which I respectfully submit was very useful to the house, by the Minister of National Health and Welfare with regard to our procedures. In this regard I hope I may also add some contribution to the debate in respect of the point made by the hon. member for Greenwood concerning the nature of any reference and inquiry.

First of all, Mr. Speaker, I should like to point out, as the Minister of National Health and Welfare did, that the instituting of an inquiry is not a removal of the processes of the house in any way, shape or form. Inasmuch as there is no procedure apparently, as the current debate has indicated, whereby this question may be resolved in any proper and meaningful manner under the rules of the house, I submit that such an inquiry is for the very purpose of determining judicially any facts and conclusions, which will be approached in a judicial manner and on which the house can then take further action.

I point out quite respectfully that any findings made by a judicial inquiry are then for this house to take action on. If in fact a motion of censure against the Minister of Justice is substantiated by reason of the findings of fact of that judicial inquiry, then of course this house has recourse to those findings on which to base such a motion.

I see no other useful way in which we can proceed than in the way which the Minister of National Health and Welfare has pointed out. This is the only logical and, in fact, the only procedure available to us. I did wish to make the point that it is not an extra-territorial procedure in so far as this house is concerned but rather an effective and just method whereby we can determine judicially the facts on which any further action which this house deems necessary should be taken. It does not remove the matter from the ambit of control of this house in any way, and it is the only proper and just way in which this house can proceed further.

I might also respectfully point out, with respect to the point made by the hon. member for Greenwood in respect of the matter of a specific charge, that we have a precedent in this regard. I suggest this precedent was useful in the case in question, and the house gave unanimous consent, if I recollect rightly, at the time to the procedure which was employed in respect of the Dorion inquiry.

Again this house was not abandoning its responsibility. This house felt, in view of some of the allegations which had been made, that a judicial finding of fact should be made so that if further action were deemed necessary by the house it could be based upon such a finding and not upon mere allegations, rumours or suspicion. I think that is what we are trying to do here.

● (1:20 p.m.)

With respect to the precedent that we have, in that instance the inquiry was not based on specific charges but rather on an investigation of general incidents that had occurred, general suspicions that had been aroused and general allegations that had been made to see if in fact a judicial conclusion could be drawn by that inquiry on which action by the house could be taken if the house deemed it necessary. If it was a question of having to make charges prior to an inquiry I submit that those charges, according to the rules of the house as I understand them, would have to be backed up by the member making them who would forfeit his seat if they were not fulfilled. I do not think hon. members can have it both ways. Either the inquiry is based, as I have suggested, on the idea of determining judicially the true facts regarding the many allegations that have been made or it is based on charges and conclusions from those charges. If the charges were not substantiated the hon. member who made them would forfeit his seat.

If the latter course was the procedure followed in the Dorion inquiry, then I would respectfully refer the house to page 10534 of *Hansard* for November 25, 1964, where the hon. member for Yukon is recorded as having made the following statement:

He should make a clean breast of the whole thing to the Canadian people—

He went on to refer to the then minister of citizenship and immigration. To repeat, he said:

He should make a clean breast of the whole thing to the Canadian people, all of whom are wondering about the minister and the procedure he has followed in this case. Likewise the Minister of Citizenship and Immigration should rise and tell the committee what he knows. I challenge him to rise now and tell the house where he was when the bribe was offered. I challenge him to rise now and tell us where he was when the bribe was offered.

Later, as reported on page 10535, the hon. member for Yukon is recorded as having said:

He cannot deny—I do not impute anything to the Minister of Citizenship and Immigration—that what